

REMARKS

Claims 148-152, 156, 158, 161, 162 and 172-178 have been rejected by the Examiner. Applicants have not amended any claims herein, and claims 148-152, 156, 158, 161, 162 and 172-178 remain pending in the application.

1. Claims 148, 150, 155-156, 158, 172, 174 and 177-178 are not anticipated by the Michalski reference, because the Michalski reference is not an enabling disclosure with respect to each and every limitation of the claims.

In order for a reference to qualify as anticipatory prior art, the reference must include an enabling disclosure. That is, the reference must describe how to make and how to use the invention. The disclosure in an assertedly anticipating reference must provide an enabling disclosure of the desired subject matter; mere naming or description of the subject matter is insufficient, if it cannot be produced without undue experimentation. *Elan Pharm., Inc. v. Mayo Found. For Med. Educ. & Research*, 346 F.3d 1051, 1054, 68 USPQ2d 1373, 1376 (Fed. Cir. 2003).

The Michalski reference is not enabling because it fails to describe how to make and how to use the invention as claimed. Rather, the Michalski reference describes various desirable features. For example, paragraph one on page fifteen of Michalski states, “[the system] *would also have to offer* various levels of participation and trust, to help people distinguish a likely connection (you should meet him) from a recommendation (you should trust everything he says).” In this case, the Michalski reference suggests various levels of participation and trust are desirable *features*, but does not describe *how* the features are implemented and/or used.

Similarly, paragraph five on page fifteen of Michalski states, “[p]ersonal gatekeeper agents are able to give access at varying levels of security, based on levels of trust.” The Michalski reference does not describe how the “levels of trust” are implemented and used. For instance, the Michalski reference does not indicate who determines and sets the “levels of trust.” Furthermore, the Michalski reference does not indicate what information or attributes the “trust levels” apply to.

The Michalski reference describes what can best be considered aspirational goals for Mr. Work, but does not describe how the problems he is addressing can actually be solved. Recognizing a problem does not define an invention and stating a problem does not anticipate one. Instead, it is solving a problem that defines when an invention has been made and it is communication of the solution which is required to anticipate same. At best, the Michalski reference can be said to have noted several problems faced by those in the field of the invention, but only the present application (and not the cited reference) describes how those problems were overcome to arrive at the claimed invention. Furthermore, the Examiner appears to be employing hindsight analysis and reading into the Michalski reference more than is actually there.

The Michalski reference's lack of enablement is further evidenced in the text of the Michalski reference itself, which essentially states at paragraph seven on page fifteen that the system is a work-in-progress, with many features not yet worked out or implemented:

There are aspects of identity management that Work has yet to solve, as well as projects outside his immediate view that he has not yet drawn on.

Consequently, Applicant submits that the Examiner's rejection of claims 148, 150, 155-156, 158, 172, 174 and 177-178 under 35 U.S.C. § 102(b) cannot be properly upheld. Allowance of the claims is requested.

2. Claim 148 is not anticipated by the Michalski reference, because the Michalski reference fails to describe reporting matches based on chains of person-to-person relationships.

The Michalski reference is a report about systems that use collaborative filters. As described in paragraph five on page two of the Michalski reference, collaborative filters are a subset of systems for making recommendations, for example, by collecting user ratings of items in a domain, and then using the ratings to offer recommendations of other items in the domain. The most relevant passage in the Michalski reference (page fifteen) describes a system in which the domain is people, and users of the system essentially rate or rank people in some fashion. However, there is nothing in the Michalski reference describing a system in which matches are reported based *on chains of person-to-person relationships* that are established between the searcher and a target. Furthermore, in the context of collaborative filtering, the term "level of

trust” may imply a rating, but it does not imply that there need be a personal relationship between the person doing the rating and the person being rated.

Specifically, claim 148 states that a match is reported when access control criteria are met, wherein the access control criteria are “selectably controllable by any of one or more persons *in one or more chains of person-to-person relationships connecting and including the searcher and the potential targets.*” Accordingly, chains of person-to-person relationships are formed. The Examiner has suggested this aspect of the claimed invention is disclosed in paragraph one on page fifteen of the Michalski reference, which states:

All the systems we have examined so far feature people rating inert items such as tunes, movies or books. What if one turned that attention on other people? Of course, most people aren't inert, so the system would have to provide both safeguards against inappropriate use of information and incentives for participating and offering information. More than that, it would also have to offer various levels of participation and trust, to help people distinguish a likely connection (you should meet him) from a recommendation (you should trust everything he says). That's the ambitious system that Duncan Work is designing.

Applicant submits that the passage cited by the Examiner does not disclose or suggest access control criteria “selectably controllable by any of one or more persons *in one or more chains of person-to-person relationships connecting and including the searcher and the potential targets.*” Moreover, the Michalski reference does not describe a system in which chains of person-to-person relationships are formed.

Paragraph six of page fifteen of the Michalski reference states “[the system] helps link informal networks of people.” However, the term “informal networks of people” is not defined, nor is there an explanation or description of *how* this is implemented or achieved. That is, the Michalski reference does not disclose and enable the claimed invention. Specifically, there is no mention of access control criteria “selectably controllable by any of one or more persons *in one or more chains of person-to-person relationships connecting and including the searcher and the potential targets.*” Accordingly, Applicant submits that Michalski does not anticipate independent claim 148. For the same reasons, dependent claims 149-152, 156, 158, 161, 162,

and 176-178, which depend directly or indirectly upon claim 148, are also not anticipated by the Michalski reference. Allowance of these claims is requested.

3. Claim 172 is not anticipated by the Michalski reference, because the Michalski reference fails to describe a connection strength between each two people forming a person-to-person connection in a chain of person-to-person connections exceeding a connection threshold.

Claim 172 states that matches to a search are reported when “*a connection strength between each two people forming a person-to-person connection in a chain of person-to-person connections between the searcher and a potential target exceeds a connection strength threshold.*” The Michalski reference does not disclose or suggest the above feature. The Examiner has suggested that the above features are disclosed at paragraph five of page fifteen of the Michalski reference, which states:

If Work can build a user community with the right mix of incentives and trust, Net Deva promises to offer an environment in which people can share information normally considered too personal to offer to others, including people’s capabilities, professional relationships, goals and values. Personal information is available to the network broker, but not to individuals, unless it is specifically allowed by the guarding gatekeeper. Personal gatekeeper agents are able to give access at varying levels of security, based on levels of trust.

Applicant submits that the above passage does not disclose or suggest the concept of a connection strength, as claimed in claim 172. In general, the above passage relates to sharing personal information. However, there is nothing in the passage above, or in the Michalski reference, disclosing or suggesting reporting matches based on *connection strengths between persons forming a chain of person-to-person connections*.

Paragraph four of page fifteen of the Michalski reference states, “[t]he gatekeeper agents manage information access by evaluating the relevance of requests for communication and checking the validity and trust levels of the agents making the requests.” Moreover, as described above, the term “trust levels” has not been defined in the Michalski reference. A trust level is not the same as a connection strength or a connection strength threshold, as claimed in claim 172. To the extent that a level of trust or trust level is similar to a connection strength, the Michalski

reference does not disclose or suggest that matches are reported when a trust level (or connection strength) between each two people forming a person-to-person connection in a chain of person-to-person connections between the searcher and a potential target exceeds a threshold (i.e., a connection strength threshold). As stated above, Michalski is not an enabling disclosure, particularly with respect to independent claim 172.

For at least the reasons stated above, claim 172 is not anticipated by the Michalski reference. Similarly, claims 173-175, which depend directly upon claim 172, are not anticipated by Michalski. Accordingly, Applicant respectfully requests allowance of the claims.

4. Claims 149, 151-152, 173, 175-176 are not obvious in view of any combination of Michalski and any other reference cited by the Examiner.

The Examiner rejected dependent claims 149, 151-152, 173, 175-176 as being obvious in view of a combination of Michalski and Kautz et al, or Michalski and Walker et al. For at least the reasons stated above with respect to independent claims 148 and 172, the dependent claims 149, 151-152, 173, 175-176 are not obvious in view of any of the combinations of references cited by the Examiner. Furthermore, the Examiner has failed to specifically point or provide any motivation or suggestion to combine Michalski with Kautz et al or Walker et al.

Applicant submits that all of the Examiner's rejections have been addressed and overcome. Allowance of the claims is respectfully requested. If there are any additional fees associated with this communication, please charge Deposit Account No. 19-3140.

Respectfully submitted,

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